



PUBLIC NOTICE

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**Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554**

**DA 02-2509
October 3, 2002**

**NATIONAL GRID COMMUNICATIONS, INC. SEEKS COMMISSION
DETERMINATION OF "EXEMPT TELECOMMUNICATIONS
COMPANY" STATUS UNDER THE PUBLIC UTILITY HOLDING
COMPANY ACT**

**Comp. Pol. File No. ETC 02-06
Pleading Cycle Established**

Comments Due: October 17, 2002

Reply Comments Due: October 24, 2002

On September 18, 2002, **National Grid Communications, Inc.** (Applicant or GridCom), located at **25 Research Drive, Westborough, MA 01582**, filed an application requesting a determination by the Federal Communications Commission (FCC or Commission) that it is an "exempt telecommunications company" (ETC), pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA),¹ as amended by section 103 of the Telecommunications Act of 1996 (the Act).²

The application indicates that GridCom is a Massachusetts corporation, as well as a limited purpose communications subsidiary of National Grid USA (National Grid). National Grid is a registered public utility holding company under PUHCA, and is the parent corporation for the following utilities: Niagara Mohawk, Massachusetts Electric Company, Granite State Electric Company, Narragansett Electric Company, and Nantucket Electric Company. According to the application, these utilities, each located in the Northeast, are distribution

¹See 15 U.S.C. §§ 79 *et seq.*

²See Pub. L. No. 104-104.

companies that operate and maintain distribution power lines and substations; provide metering, billing and customer services; design and build distribution-related facilities; and provide related products and services. GridCom states that Niagara Mohawk Power Corp. also provides natural gas delivery to roughly 540,000 customers in upstate New York. GridCom also states that its own subsidiary, New England Power Company, is the operator of electricity transmission facilities in the states of Massachusetts, Rhode Island, New Hampshire, and Vermont. Applicant explains that its ultimate parent is National Grid Group plc, a United Kingdom entity, which owns and operates electricity and telecommunications networks around the world, focusing on liberalizing markets. Nation Grid Group plc is also a registered holding company under PUHCA.

GridCom states that it will be directly and exclusively engaged in the business of providing (a) telecommunications services, (b) information services, (c) other services or products subject to the jurisdiction of the Commission, or (d) products or services that are related or incidental to the provision of such products or services described in (a), (b), or (c), within the meaning of section 34 of PUHCA. GridCom explains that it intends to engage in the provision of wireless equipment attachment, installation, and maintenance services to wireless carriers, including commercial mobile radio service (CMRS) providers and other private and common carrier wireless system operators. GridCom intends to attach, install, and maintain equipment for such wireless operators along the rights-of-way of GridCom's affiliate utilities, as well as on rights-of-way that GridCom may separately acquire or lease for this purpose. According to the application, in the future, GridCom may provide other telecommunications services, information services, or other products or services as permitted by section 34 of PUHCA, as such opportunities arise.

In accordance with section 1.5004 of the Commission's rules, if the Commission does not issue an order denying an ETC application within sixty (60) days of receipt of an application, in this case **November 17, 2002**, the application will be deemed granted as a matter of law.³ In accordance with section 1.5003, a person applying in good faith for a Commission determination of ETC status is deemed to be an ETC from the date of receipt of the application, in this case **September 18, 2002**, until the date of Commission action pursuant to section 1.5004.⁴ In accordance with section 1.5005, the Secretary of the Commission is now notifying the Securities and Exchange Commission (SEC) that the Applicant is deemed to be an Exempt Telecommunications Company.⁵ In the event that the Commission issues an order denying the application within sixty (60) days of its receipt, the Secretary will so notify the SEC. Otherwise, the Commission will take no further action to grant this application.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.⁶ Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **October 17, 2002**, and reply comments are due on or before **October 24, 2002**. Comments in this proceeding may not be filed using the Commission's Electronic Comment Filing System (ECFS). All filings concerning any of the matters referenced in this Public Notice should refer to file number **Comp. Pol. File No. ETC 02-06**. All comments should also be served on the Applicant at the address listed above.

Interested parties should file an original and four (4) copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 12th St., SW, Room TW-A325, Washington, D.C. 20554. In addition, parties should send one (1) copy to Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554,

³See 47 C.F.R. § 1.5004.

⁴See 47 C.F.R. § 1.5003.

⁵See 47 C.F.R. § 1.5005.

⁶See generally 47 C.F.R. §§ 1.1200 - 1.1216.

telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com, and two (2) copies to Carmell Weathers, Common Carrier Bureau, Competition Policy Division, FCC, 445 12th Street, SW, Room 6-A207, Washington, D.C. 20554. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Jon Minkoff.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at qualexint@aol.com.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov or Jon Minkoff, (202) 418-2353 (voice), jminkoff@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484.

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